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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, for herself and on  
behalf of and as personal representative  
for Alexander Chavez, et al.,

Plaintiffs,

v.

Maricopa County, et al.,

Defendants.

No. CV-23-02482-PHX-KML (DMF)

**ORDER**

Plaintiffs Debra Morales Ruiz, for herself and on behalf of and as personal representative for Alexander Chavez, and Alex George Chavez, who are represented by counsel, brought this action pursuant to 42 U.S.C. § 1983 and Arizona state law. Pending before the Court is Plaintiffs' Motion for Reconsideration of Order Partially Granting Defendants' Motion to Dismiss the Second Amended Complaint. (Doc. 50.)

In an August 14, 2025 Order, the Court partially granted Defendants' Motion to Dismiss and dismissed the Fourteenth Amendment claim in Count One against Defendant Crutchfield, the negligence and gross negligence claims in Count Two against Defendant Maricopa County, and Counts Three and Four of the Second Amended Complaint. (Doc. 49 at 16.) The Court dismissed Maricopa County from this action. (*Id.*)

In their Motion for Reconsideration, Plaintiffs argue that Maricopa County should not have been dismissed because it is still a Defendant to Count Two to the extent the negligence/gross negligence claims are alleged against CHS employees and it is liable

1 pursuant to respondeat superior. (Doc. 50 at 5.) In Response, Defendants agree that  
2 Maricopa County is a proper Defendant to Count Two to the extent Plaintiffs allege  
3 negligence/gross negligence claims against CHS employees. (Doc. 55.)

4 Accordingly, the Motion for Reconsideration will be granted.

5 **IT IS ORDERED:**

6 (1) The reference to the Magistrate Judge is **withdrawn** as to Plaintiffs' Motion  
7 for Reconsideration of Order Partially Granting Defendants' Motion to Dismiss the Second  
8 Amended Complaint (Doc. 50).

9 (2) Plaintiffs' Motion for Reconsideration of Order Partially Granting  
10 Defendants' Motion to Dismiss the Second Amended Complaint (Doc. 50) is **granted**.

11 (3) The Court's August 14, 2025 Order (Doc. 49) is **amended** to reflect that  
12 Defendant Maricopa is not dismissed as a Defendant from this action and remains a  
13 Defendant to Count Two of the Second Amended Complaint.

14 (4) The Clerk of the Court must update the docket to reflect that Defendant  
15 Maricopa County remains a Defendant in this action.

16 (5) The remaining claims in this action are: Count One: Fourteenth Amendment  
17 failure to protect against Struble, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey,  
18 Martin, Hertig, Chester, Espinosa, Rainey, and Marsland and (2) Count Two: negligence  
19 and gross negligence against Smith, Penzone, Moody, Dimas, Park, Magat, Hawkins,  
20 Montano, Dailey, Martin, Hertig, Chester, Espinoza, Rainey, Marsland, Crutchfield,  
21 Struble, Sheridan, and Maricopa County.

22 Dated this 15th day of October, 2025.

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26 Honorable Krissa M. Lanham  
27 United States District Judge  
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